

absence of a stay, the prevailing party remains free during the pendency of an appeal to execute on the judgment. The plaintiff identifies no authority enabling it to wield Rule 62(d) as a club simply because it elected not to exercise its right to execute on a judgment until after its collectibility became doubtful.

For the reasons set forth above, the plaintiff's motions are **denied**.¹

DONE and ORDERED this 24th day of May, 2012.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE

¹ After this order was prepared, Blake filed a response to the motion, in which it "request[s] that, following hearing, the court permit stay of execution without bond, on appropriate terms and conditions if Defendant makes the required showing justifying relief." (Doc. 325 at 1). "A request for a court order must be made by motion." Fed. R. Civ. P. 7(b)(1). As Blake has filed no motion, it cannot obtain the relief requested. Nor has Blake explained why it should be permitted to seek a stay for the first time over a year after it began its appeal. Moreover, both Blake and the plaintiff appear to assume that hearings are automatic, but they are not. The Court conducts hearings only when required by statute or rule or when, following full and thorough briefing and submission of documentary evidence, the Court determines that a hearing remains necessary. The instant filings fall far short of that standard.